REMARKS

Claims 1, 3-15, 19, 21-33, 39, 41, 42, 46, 49, 51, 52 and 56 are pending herein. Claim 1 has been amended to incorporate the content of claim 2. Claim 19 has been amended to incorporate the content of claim 20. Claim 39 has been amended to incorporate the content of claim 40. Claim 49 has been amended to incorporate the content of claim 50. Claims 2, 20, 37, 40, 47, 48 and 50 have been canceled. Claims 10, 11, 15, 28, 29, 41, 42, 51 and 52 have been amended in light of the cancellation of claims 2, 20, 40 and 50. Claims 3-9, 12, 13, 15, 21-27, 30, 31 and 33 stand withdrawn from consideration. Applicants respectfully submit that no new matter has been added.

1. The provisional rejection of Claims 1, 2, 10, 11, 14, 19, 20, 28, 29, 32, 37, 39-42, 46-52 and 56 under the judicially-created doctrine of obviousness-type double patenting over claims 1-7 of copending Application Serial No. 10/877,517 is noted. The '517 application will be abandoned after June 20, 2007, at which time this rejection will be moot. Accordingly Applicants respectfully request that the above rejection be reconsidered and withdrawn.

2. Claims 1, 2, 10, 11, 14, 19, 20, 28, 29, 32, 37, 39-42, 46-52 and 56 were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-7 of copending Application Serial No. 10/950,976. This rejection is respectfully traversed.

The Examiner relied upon the specification of the '976 copending application in making this rejection, which is improper. An obviousness-type double patenting rejection requires a comparison of the claims in the copending applications, not the content of the applications' respective disclosures. Specifically, MPEP §804 states:

> "The focus of any double patenting analysis is necessarily on the claims in the multiple patent or patent applications involved in the analysis . . . when considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claims of a patent, the disclosure of the patent may not be used as prior art."

The features of the display apparatus claimed in the present invention are patentably distinct from the electron emitters claimed in the '976 copending application. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

3. The provisional rejection of claims 1, 2, 10, 11, 14, 19, 20, 28, 29, 32, 37, 39-42, 46-52 and 56 under the judicially-created doctrine of obviousness-type double patenting over claims 1-7 of copending Application Serial No. 10/901,732 [sic, 10/901,932] is noted. The '932 application will be abandoned after August 2, 2007, at which time this rejection will be moot. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

4. Claims 1, 14, 19, 32, 37, 39, 46-49 and 56 were rejected under §102(e) over Takeuchi. To the extent this rejection may be applied against the amended claims, it is respectfully traversed.

Independent claims 1, 19, 39 and 49 have been amended to incorporate the content of dependent claims 2, 20, 40 and 50, respectively. Since dependent claims 2, 20, 40 and 50 were not rejected based on Takeuchi, these amendments to claims 1, 19, 39 and 49 render this rejection moot. Claims 14, 32, 46 and 56 depend from claims 1, 19, 39 and 49, respectively. Claims 37, 47 and 48 have been canceled. Accordingly, Applicants respectfully submit that this rejection is now moot.

If Examiner Sherman believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

June 14, 2007
Date

Stephen P. Burr
Reg. No. 32,970

Joseph A. Wilson
Reg. No. 53,780

SPB:JAW:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320